

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

KELLWIN ORLANDO GREEN,
(ID # 833953),

Petitioner,

vs.

WILLIAM STEPHENS, Director,
Texas Department of Criminal
Justice, Correctional Institutions
Division,

Respondent.

No. 3:03-CV-1424-K

ORDER OF THE COURT ON RECOMMENDATION
REGARDING CERTIFICATE OF APPEALABILITY

Considering the record in this case and the recommendation of the Magistrate Judge, and pursuant to Federal Rule of Appellate Procedure 22(b) and 28 U.S.C. § 2253 (c), the Court hereby finds and orders:

COA:

- (X) a Certificate of Appealability is DENIED. The Court hereby adopts and incorporates by reference the Order Denying Motion Under Rule of Civil Procedure 60(b), alternatively, Construing Rule 60(b) Motion as a Successive Petition under 28 U.S.C. § 2254 and Order of Dismissal, filed on **March 18, 2015**, in support of its finding that Petitioner has failed to show that reasonable jurists would find it debatable whether the Court was correct in denying the motion under Rule 60(b) in part, and alternatively construing it as a successive petition under 28 U.S.C. § 2254. *See Miller-El v. Cockrell*, 537 U.S. 322, 338 (2003); *Slack v. McDaniel*, 529 U.S. 473, 483-84 (2000); 28 U.S.C. § 2253(c)(2).

Signed April 15th, 2015.



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UNITED STATES DISTRICT JUDGE